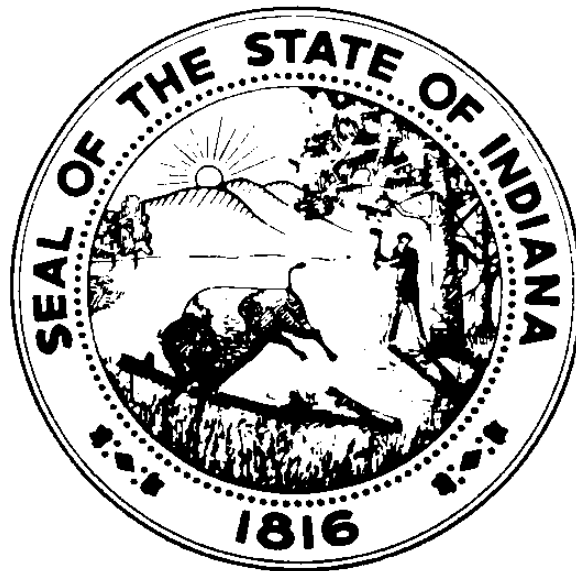


INDIANA PLUMBING COMMISSION STATUTES AND RULES

January 2006



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IC 25-28.5

ARTICLE 28.5. PLUMBERS

IC 25-28.5-1

Chapter 1. Regulation of Plumbers; Creation of Commission; Licensing

IC 25-28.5-1-1

Declaration of policy

Sec. 1. It is hereby declared to be the policy of the State of Indiana that, in order to safeguard the life, health, and public welfare of its citizens, the business of plumbing construction and improvements is a matter affecting the public interest, and any person engaging in the business as herein defined should be required to establish his competency and qualifications to be licensed as herein provided. *(Formerly: Acts 1972, P.L.188, SEC.1.)*

IC 25-28.5-1-2

Definitions

Sec. 2. As used in this chapter:

(1) "Plumbing" means the practice of and the materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

(A) Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or structure.

(B) The practice and materials used in the installation, maintenance, extension, or alteration of the stormwater, liquid waste, or sewerage, and water supply systems of any premises to the private property line or to their connection with any point of public disposal or other acceptable terminal. The term does not include the planning, designing, and installation of sanitation and water systems in vehicles commonly known as mobile homes, the drilling of wells, the installation of pumps, pressure tanks, and piping incidental to the drilling or repair of a well system, the sale or installation of water softening equipment and apparatuses and services of the same, or the business of manufacturing or selling plumbing fixtures; appliances, equipment, or hardware; the installation of automatic sprinklers, the overhead or underground water supplies or standpipes when connected to an automatic sprinkler system or to their related devices or appurtenances connecting thereto; nor does the term include the work referred to in section 32(i) of this chapter; nor does the term include the planning or design of water supply or sewage systems which would ordinarily be performed as "the practice of engineering", as defined in IC 25-31-1, or the "practice of architecture", as defined in IC 25-4-1.

(2) "Plumbing contractor" means any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add

to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

(3) "Journeyman plumber" means a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

(4) "Maintenance man" means a person who is employed on a permanent basis to keep the premises of a business establishment in good repair.

(5) "Contracting" means, except as exempted in this chapter, engaging in a business as a contractor.

(6) "Person" means a natural person, except in the case of a plumbing contractor, in which case it may mean the partners or members of a partnership, limited partnership, or any form of unincorporated enterprise, owned by two (2) or more persons, and as applied to "corporation" in addition to the corporate entity means the officers or directors and employees thereof.

(7) "Commission" means the Indiana plumbing commission created by this chapter.

(8) "License" means a certificate issued by the commission established by this chapter which confers upon the holder the privilege to act as a plumbing contractor or a journeyman plumber as defined in this chapter.

(9) "Farmstead" means a farm dwelling together with other buildings, structures, equipment, piping, and other plumbing materials and supplies, located upon a parcel of real estate used primarily for agricultural purposes located outside the corporate limits of a municipality and not connected to a public water supply.

(10) "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-6.

(11) "Apprentice plumber" means an individual who:

(A) is learning the plumbing trade; and

(B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.

(12) "Registration" means the granting of a certificate by the commission that authorizes an individual to act as an apprentice plumber.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.202; P.L.132-1984, SEC.36; P.L.248-1985, SEC.1.

IC 25-28.5-1-3

Indiana plumbing commission; creation; administration and enforcement of chapter

Sec. 3. The Indiana plumbing commission is hereby created. The commission shall have general charge of the administration and enforcement of this chapter.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by

Acts 1980, P.L.166, SEC.1.

IC 25-28.5-1-4

Members of commission; appointment; terms; vacancies; dual office holding prohibited

Sec. 4. (a) The commission shall consist of six (6) members to be appointed by the governor. Each member appointed shall be a citizen and resident of this state. Two (2) of the members shall be actively engaged in the plumbing contracting business for not less than five (5) years immediately prior to his appointment or shall have had ten (10) years experience in the plumbing contracting business. Two (2) of the members shall be persons who for not less than five (5) years immediately prior to their appointment have been employed as journeymen plumbers. One (1) member shall be the commissioner of the state department of health or a member of the commissioner's professional staff. One (1) member, appointed to represent the general public, may never have been associated with plumbing in any way other than as a consumer. The term of all members of the commission shall be for three (3) years and until their successors are appointed and qualified.

(b) Members appointed by the governor to fill vacancies shall hold office for the unexpired term. At no time shall there be more than four (4) members of the same political faith on the commission. No person, other than the representative of the state department of health, shall act as a member of the commission while holding another elective or appointive office either state or federal. *(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.203; Acts 1982, P.L.113, SEC.68; P.L.8-1984, SEC.120; P.L.20-1991, SEC.6; P.L.2-1992, SEC.778.*

IC 25-28.5-1-5

Compensation of members of commission

Sec. 5. The members of the commission shall receive no salary, but are entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency. *(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.2.*

IC 25-28.5-1-6

Organization and records of commission

Sec. 6. The commission shall annually organize and select one (1) of the members as chairman and one (1) of the members to serve as secretary, both to serve for a term of one (1) year. The commission, through the licensing agency, shall keep a record of all its proceedings, transactions, communications, official acts, and records and shall perform said other duties as required by law. *(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by*

Acts 1981, P.L.222, SEC.204; P.L.132-1984, SEC.37.

IC 25-28.5-1-7

Duties of commission

Sec. 7. The commission shall do the following:

(1) Adopt a seal with the words "Indiana Plumbing Commission" and such other device as may be selected by which it shall authenticate the acts of the commission. Copies of all records and papers, when certified by the secretary and issued under the seal of the commission, shall be received in evidence in all cases equally and with like effect as the original commission records.

(2) Prescribe the form of licenses and issue the same under its seal. All such licenses, while in force, shall be under the supervision and control of the commission.

(3) Issue licenses as plumbing contractors and journeymen plumbers, to any person who qualifies and complies with the provisions of this chapter and pay required license fees.

(4) Adopt rules in accordance with IC 4-22-2 which establish standards for the competent practice of plumbing. *(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.205; P.L.132-1984, SEC.38; P.L.2-2005, SEC.66.*

IC 25-28.5-1-8

Powers of commission

Sec. 8. The commission may:

(1) Adopt and promulgate rules and regulations for its guidance and for the regulation of its business and procedure consistent with the provisions of this chapter and in the manner provided in IC 4-22-2.

(2) Enter into such other contracts and authorize expenditures as its duties require, subject to the provisions of this chapter and IC 25-1-6.

(3) Do all things necessary for carrying into effect the provisions of this chapter. *(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.206; P.L.2-2005, SEC.67.*

IC 25-28.5-1-9

Meetings of commission; notice; quorum; record

Sec. 9. The secretary shall call all meetings of the commission as directed by the chairman or upon request in writing by two (2) members, and at such time and places, within the state of Indiana as the commission business may require. Sufficient notice shall be given to permit members to attend all meetings. The presence of four (4) members of the commission in attendance at a commission meeting subject to notice as herein required, shall constitute a quorum for the transaction of commission business. Meetings of the commission may be held pursuant to written waiver of notice signed by all the members of the commission. A record shall be kept of all proceedings at meetings and of the vote taken on each act or transaction of the commission and a majority vote of all members shall

be required to bind the commission.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.207.

IC 25-28.5-1-10

Office and supplies of commission; employees

Sec. 10. (a) The department of administration shall provide office space, furniture, and necessary supplies and the office files, records, and property of the commission.

(b) The licensing agency shall provide the board with employees necessary to administer the provisions of this chapter.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.208; P.L.132-1984, SEC.39.

IC 25-28.5-1-11

Unlawful acts

Sec. 11. It shall be unlawful for any person to act in the capacity of a plumbing contractor or journeyman plumber within this state without first obtaining a license as a plumbing contractor or journeyman plumber from the commission. This chapter however does not apply to helpers, laborers, registered apprentices, and other employees of a plumbing contractor or journeyman plumber, who do not in any manner hold themselves out to the public as being plumbers.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.209; P.L.248-1985, SEC.2.

IC 25-28.5-1-12

Licensing requirements; apprenticeship; nonresidents

Sec. 12. (a) Except as otherwise provided in this chapter, a natural person over the age of eighteen (18) years who resides in Indiana and any corporation which satisfies the further requirements of this chapter may be licensed by the commission as a plumbing contractor. Except as otherwise provided by this chapter, a natural person over the age of eighteen (18) years may be licensed by the commission as journeyman plumber.

(b) A person who desires to be licensed as a plumbing contractor or journeyman plumber is eligible for such a license upon the successful taking of the examination provided in section 15 of this chapter.

(c) To qualify for a journeyman plumber examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of this chapter. To qualify for a plumbing contractor license examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or

present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of this chapter, or has worked in a plumbing business under the direction of a licensed plumbing contractor for at least four (4) years.

(d) An applicant who is not an Indiana resident may qualify to take an examination under subsection (b) in the following manner:

(1) If the applicant holds a license in a state that does not have a reciprocity agreement with Indiana, the applicant must present the license to the commission to be eligible to take the examination.

(2) If the applicant resides in a state that does not have licensing requirements, the applicant before taking the examination must meet the appropriate requirements of subsection (b).

(e) If the applicant holds a license in a state that has a reciprocity agreement with Indiana, the appropriate license shall be issued automatically.

(Formerly: Acts 1972, P.L.188, SEC.1; Acts 1973, P.L.252, SEC.13.) As amended by Acts 1981, P.L.222, SEC.210; P.L.20-1991, SEC.7; P.L.194-2005, SEC.69.

IC 25-28.5-1-13

Application for license; corporations, partnerships, or associations; requisites

Sec. 13. (a) A person wishing to be licensed as a plumbing contractor or journeyman plumber must file with the commission a written application, on a form provided by the commission, that contains information the commission considers necessary to determine the qualifications of the applicant.

(b) All members of a firm, a copartnership, or an association who engage in the activities defined in this chapter as those of a plumbing contractor must be individually licensed as a plumbing contractor. In the case of a limited partnership, only the general partner must be licensed under this chapter.

(c) In the case of a corporation engaged in the business of a plumbing contractor, the corporation must be licensed as a plumbing contractor and must file with the commission an application as provided for in this chapter. A corporation may not be licensed as a plumbing contractor unless one (1) of the officers or employees of the corporation holds a valid license as a plumbing contractor issued by the commission. Where a license is issued to a corporation, at least one (1) officer or employee of the corporation must be:

- (1) licensed as a plumbing contractor;
- (2) designated in the application; and
- (3) named in the license.

(d) An officer or employee of a corporation desiring to act as a plumbing contractor in connection with the business of the corporation must take out a separate plumbing contractor's license in the officer's or employee's

own name.

(e) An application must be signed by the applicant, or the applicant's duly authorized officer or officers. The applicant must make a statement that the applicant has not been convicted of:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

(f) A business that provides plumbing services and is required to file a certificate of assumed business name under IC 23-15-1 must register the name, address, and telephone number of the business with the commission. *(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by Acts 1981, P.L. 222, SEC. 211; Acts 1982, P.L. 113, SEC. 69; P.L. 241-1989, SEC. 1; P.L. 143-1990, SEC. 4; P.L. 214-1993, SEC. 60.*

IC 25-28.5-1-14

Refusal to examine or license

Sec. 14. Upon the filing of an application, the commission may investigate the statements contained therein and, if it finds the statements to be untrue, may refuse to examine or license the applicant. *(Formerly: Acts 1972, P.L. 188, SEC. 1.)*

IC 25-28.5-1-15

Examinations

Sec. 15. (a) Except as otherwise provided, individual applicants for a license as a plumbing contractor or journeyman plumber must pass an examination. The contents of the examination must, for each license category, test the current level of skills required of persons to be licensed in that category.

(b) Examinations may be conducted at times and locations the commission may prescribe. *(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 2.*

IC 25-28.5-1-16

Preparation and administration of examination

Sec. 16. The commission or the commission's designee shall prepare and administer examinations for each license category. The subject matter to be covered and the passing grade for licensing shall be established and made known to the applicants prior to the date of the examination. *(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 3.*

IC 25-28.5-1-17

Reexamination

Sec. 17. (a) An applicant who fails the applicant's first examination for a license as a plumbing contractor or journeyman plumber may be reexamined.

(b) Reexamination of an applicant who fails the

examination after two (2) attempts may be conditioned on the satisfactory completion of additional study or training as prescribed by the commission.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 4. Repealed (Repealed by Acts 1981, P.L. 222, SEC. 296.)

IC 25-28.5-1-18.1

Apprentice plumber; application for registration; certificate of registration

Sec. 18.1. (a) An individual age seventeen (17) years or older wanting to be registered by the commission as an apprentice plumber shall, on a form provided by the commission, make application for registration. The applicant shall also provide to the commission a statement signed by a licensed plumbing contractor or journeyman plumber who is the employer of the applicant that the prospective apprentice is the employer's employee and will work under the direct and immediate personal supervision of a licensed contractor or journeyman plumber.

(b) If the commission approves the application for registration, it shall issue a certificate of registration as an apprentice plumber to the applicant. *As added by P.L. 248-1985, SEC. 3.*

IC 25-28.5-1-18.3

Expiration of license

Sec. 18.3. A plumbing contractor's license expires upon the death of the individual to whom it was issued. *As added by P.L. 248-1985, SEC. 4.*

IC 25-28.5-1-18.5

Temporary plumbing contractor's license; issuance

Sec. 18.5. Notwithstanding section 12 of this chapter, the commission may issue a temporary plumbing contractor's license to an applicant who has an ownership interest in or is an officer of a contracting business if the plumbing contractor licensee operating the business has died or is physically or mentally unable to operate the business. The commission may issue the license for the period needed to dispose of the contracting business or to otherwise meet the emergency giving rise to the need for the license. However, a temporary contractor's license may not be issued for a period, including all renewals, exceeding two (2) years. *As added by P.L. 248-1985, SEC. 5.*

IC 25-28.5-1-19

Reciprocity

Sec. 19. Upon the payment of the required fee, an applicant who is a plumbing contractor or journeyman plumber licensed or registered in another state, territory, country, or province, shall without examination, be granted a license as a plumbing contractor or journeyman plumber by the Indiana Plumbing Commission:

Provided, That

(a) No such applicant shall be granted a license in a category he is not licensed in another state.

(b) The individual applicant for a license as a plumbing contractor or a journeyman plumber shall be at least eighteen (18) years of age.

(c) The requirements for the licensing or registration of plumbing contractors or journeyman plumbers in such other state, territory, country, or province, were, at the date of the applicant's last registration or licensing, substantially equal to the requirements in force in this state; and: Provided, That the same privilege of registration or licensing is accorded by said state, territory, country or province to licensees of the State of Indiana.

(Formerly: Acts 1972, P.L.188, SEC.1; Acts 1973, P.L.252, SEC.14.) As amended by Acts 1981, P.L.222, SEC.212.

IC 25-28.5-1-20

Nonresident applicants; service of process

Sec. 20. (a) Nonresident applicants for a license to act as a plumbing contractor or journeyman plumber in Indiana shall file a written application with the commission on a form to be provided by the commission. The nonresident applicant shall also file a certified copy of his license, or certificate of registration as a plumbing contractor or journeyman plumber in the state wherein he resides.

(b) In addition, every nonresident applicant to be licensed as a plumbing contractor or journeyman plumber shall file an irrevocable appointment of the secretary of the commission as his agent for service of process within this state.

(1) All process served upon the secretary of the commission as agent for a nonresident plumbing contractor or journeyman plumber shall be served in duplicate. One (1) copy shall be filed in the office of the commission and one (1) copy shall be forwarded to the nonresident licensee or registrant by the secretary by certified mail, return receipt requested.

(2) Service of process upon the secretary, as provided in this section shall be equivalent to personal service within the state upon the nonresident licensee or registrant. *(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.213.*

IC 25-28.5-1-21

Repealed

(Repealed by P.L.260-1987, SEC.3.)

IC 25-28.5-1-22

Expiration of license or certificate of registration; renewal; fees

Sec. 22. (a) Every license or certificate of registration issued under this chapter expires on a date established by the licensing agency under IC 25-1-6-4 and shall be renewed biennially thereafter upon payment of the required

renewal fees.

(b) Applications for renewal shall be filed with the commission in the form and manner provided by the commission. The application shall be accompanied by the required renewal fee. The commission, upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.214; Acts 1982, P.L.113, SEC.70; P.L.194-2005, SEC.70.

IC 25-28.5-1-23

Fees

Sec. 23. The fees to be charged by and paid to the commission by licensees for all licenses and license renewals shall be established by the commission under IC 25-1-8.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1976, P.L.120, SEC.1; Acts 1981, P.L.222, SEC.215; Acts 1982, P.L.113, SEC.71; P.L.84-1998, SEC.26; P.L.194-2005, SEC.71.

IC 25-28.5-1-24

Disposition of fees; expenses of commission

Sec. 24. (a) All fees collected by the commission shall be deposited with the treasurer of state to be deposited by the treasurer in the state general fund.

(b) All expenses of the commission shall be paid from the state general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1976, P.L.119, SEC.22; P.L.194-2005, SEC.72.

IC 25-28.5-1-25

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-28.5-1-26

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-28.5-1-27

Investigations; motion of commission or complaint; approval

Sec. 27. Subject to IC 25-1-7, the commission may, upon its own motion and shall, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensee in accordance with IC 25-1-11. Approval by a majority of all members of the

commission shall be required for any action to be taken.
(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by
Acts 1977, P.L. 172, SEC. 44; Acts 1981, P.L. 222, SEC. 216;
P.L. 214-1993, SEC. 61.

IC 25-28.5-1-27.1

Repealed

(Repealed by P.L. 214-1993, SEC. 91.)

IC 25-28.5-1-28

Proceedings for denial, suspension, or revocation of license; review

Sec. 28. (a) Proceedings before the commission for the suspension or revocation of any license shall be conducted in the manner provided by IC 4-21.5-3.

(b) Any person aggrieved by any action of the commission in suspending or revoking his license or certificate of registration may seek judicial review by following IC 4-21.5-5.

(c) Any person aggrieved by the commission's action in failing to issue or renew a license or certificate of registration may seek judicial review by following IC 4-21.5-5.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by
P.L. 7-1987, SEC. 126.

IC 25-28.5-1-29

Record of commission as evidence; conclusiveness of verdicts

Sec. 29. (a) The record of the commission (or a duly certified copy thereof), shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant, licensee or certificate of registration holder charged or under investigation is a party, and where the issues of an act involved in the proceedings are pertinent to the inquiry before the commission and the verdict of the jury or judgment of the court in any action at law or the decree of the court in any proceeding in equity shall be prima facie as the facts at issue in the proceedings and necessarily adjudicated therein.

(b) The verdict of the court or jury in any criminal prosecution in a court of record of this or any other state in which the applicant, licensee, or certificate of registration holder charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution.

(Formerly: Acts 1972, P.L. 188, SEC. 1.)

IC 25-28.5-1-30

Repealed

(Repealed by Acts 1981, P.L. 222, SEC. 296.)

IC 25-28.5-1-31

Violations

Sec. 31. (a) A person who acts or advertises as a plumbing contractor or journeyman plumber without first obtaining a license from the commission or who continues to act as a plumbing contractor or journeyman plumber after the person's license has been suspended, revoked, or otherwise restricted under IC 25-1-11 commits a Class A misdemeanor.

(b) A person who fails to renew the person's license and continues to act as a plumbing contractor or journeyman plumber after the license has expired commits a Class B misdemeanor.

(c) It is unlawful for a plumbing contractor to fail to include one (1) of the following names on written or printed advertising for plumbing services and on vehicles that are used to provide plumbing services:

(1) The plumbing contractor's name.

(2) The name of the business with which the plumbing contractor is associated.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by
Acts 1978, P.L. 2, SEC. 2547; Acts 1981, P.L. 222, SEC. 218;
P.L. 241-1989, SEC. 5; P.L. 214-1993, SEC. 62.

IC 25-28.5-1-32

Exceptions to application of chapter

Sec. 32. This chapter does not apply to the following:

(1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental to the work.

(2) An authorized employee of the United States, the state, or a political subdivision of the state if the employee does not profess to be for hire and is acting within the scope of the employee's employment.

(3) An officer appointed by a court when the officer is acting within the scope of the officer's office as defined by law or court order. When construction projects are not underway at the time of the appointment of the officer by the court, and the nature of the officer's appointment requires that plumbing must be done, the officer must employ or contract with a registered plumbing contractor or journeyman plumber.

(4) Public utilities with respect to construction, maintenance, and development work performed by their own forces and incidental to their business.

(5) The owner occupant of a dwelling of eight (8) or less residential units when the owner occupant is installing, altering, or repairing the plumbing system of the residential units.

(6) Construction, alteration, improvement, or repair of a plumbing system, located on a site, the title of which is in the name of the United States of America, or to construction, alteration, improvement, or repair on a project where federal law supersedes this article.

(7) An individual who is employed or acts as a maintenance person at the individual's place of employment.

(8) Farmsteads, except for buildings built on the

farmstead for the purpose of public or commercial use.

(9) A sewer contractor, sewage disposal contractor, or an excavation contractor or utility contractor who generally engages in the business of installing, altering, or repairing sewers, private or public sewage disposal systems, and water distribution or drainage lines outside the foundation walls of a building.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.4; Acts 1981, P.L.222, SEC.219; P.L.241-1989, SEC.6.

IC 25-28.5-1-33

Political subdivisions; power to regulate

Sec. 33. Nothing in this chapter shall limit the power of political subdivision to regulate the quality and character of work performed by plumbing contractors through the enforcement of building codes and inspections, but no political subdivision shall require any licensee under this chapter to submit to any other form of licensing: Provided, however, That any political subdivision of this state may require any person licensed as a plumbing contractor under the provisions of this chapter to register with some public official of said political subdivision in order that the plumbing inspection officials of such political subdivision may have the records necessary to inspect the work of persons licensed hereunder. Nothing herein contained shall prohibit any political subdivision from charging a reasonable fee for such registration. Failure to register as required by a political subdivision, upon certification of said failure to the commission, at the discretion of the commission may constitute a basis for suspension of any plumbing contractor's license issued under the provisions of this chapter. Repeated and intentional violation of any such registration requirements may at the discretion of the commission constitute a basis for the revocation of a plumbing contractor's license, said proceeding for suspension or revocation to be had under the provisions of section 26 of this chapter.

(Formerly: Acts 1972, P.L. 188, SEC.1.)

IC 25-28.5-1-34

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-28.5-1-35

Display of license; register available for public inspection

Sec. 35. (a) A plumbing contractor licensee shall prominently display the licensee's license in the licensee's principal business office. In the case of a partnership or corporation, the license of at least one (1) partner, member, or officer of the corporation, or the corporate license, must be displayed.

(b) The license number of a licensed plumbing contractor must be recognizably displayed in all forms of

written or printed advertising for plumbing services and on all vehicles that are used to provide plumbing services.

(c) A plumbing contractor, partnership, or corporation must maintain a register listing:

(1) the name and license number of every plumbing contractor currently employed there;

(2) the name and license number of every journeyman plumber currently employed there; and

(3) the name and registration number of every apprentice plumber currently employed there.

The register must be available for public inspection upon request.

(d) A plumbing contractor, journeyman plumber, or apprentice plumber shall carry a facsimile of that person's license or certificate of registration on a job location where the person is engaged in plumbing contracting or the trade of plumbing. The plumbing contractor, journeyman plumber, or apprentice plumber shall display that person's license or certificate of registration upon the demand of a state inspector or local building or plumbing inspector in Indiana within that inspector's local jurisdiction or upon a customer's request.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.220; P.L.248-1985, SEC.7; P.L.241-1989, SEC.7.

IC 25-28.5-1-36

Actions to recover for services by unlicensed or unregistered plumbers barred

Sec. 36. No action or suit shall be instituted in any court of this state to recover compensation for plumbing contracting services, or for wages for work done which under the provisions of this chapter constitutes plumbing, by a person who is not licensed or registered under the provisions of this chapter.

(Formerly: Acts 1972, P.L. 188, SEC.1.)

IC 25-28.5-1-37

Subpoena powers of commission; service and witness fees; enforcement

Sec. 37. The commission conducting a hearing in any particular case shall have power to subpoena and order production of books and papers. In any hearing, the process issued by the commission shall extend to all parts of the state and the process shall be served either in like manner as are served writs of subpoena in the circuit court or by any person designated by the commission for that purpose. The person serving the process shall receive such compensation as may be allowed by the commission not to exceed the fee prescribed by law for similar services in the circuit courts and the fees shall be paid in the same manner as provided in this chapter for fees of witnesses subpoenaed at the instance of the commission. All witnesses who shall be subpoenaed and who appear in any proceeding before the commission shall receive the same fees and mileage as allowed by law to witnesses in

the circuit courts, which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called. When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the commission the fees and mileage of the witness shall be paid from the funds appropriated to the use of the commission in the same manner as other expenses of the commission are paid.

Where in any proceeding before the commission, any witness shall fail or refuse to attend upon subpoena issued by the commission or any of their representatives, or appearing, shall refuse to testify or shall refuse to produce any books and papers the production of which is called for by the subpoena, the attendance of any witness and the giving of his testimony and the production of the books and papers required shall be enforced by any circuit court of this state.

(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-38

Rules and regulations

Sec. 38. The Indiana Plumbing Commission is hereby authorized and empowered to adopt, fix and establish all rules and regulations necessary for the proper administration and enforcement of the provisions of this chapter.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by Acts 1980, P.L. 166, SEC.5.

IC 25-28.5-1-39

Loss of bid due to chapter violations; injunctive relief

Sec. 39. (a) As used in this section, "person" means an individual, a corporation, a partnership, or other legal entity.

(b) If a person submits a written competitive bid for a project involving the:

- (1) alteration;
- (2) construction;
- (3) conversion;
- (4) improvement;
- (5) modernization;
- (6) rehabilitation;
- (7) remodeling;
- (8) renovation;
- (9) repair; or
- (10) replacement of plumbing;

and that bid is not accepted because another person knowingly violated this chapter, a person described in subsection (c) may bring a civil action to enjoin the person who violated this chapter from performing any activity under the competitive bid.

(c) The following persons may bring an action for injunctive relief under subsection (b):

- (1) The person who did not receive the bid.
- (2) An organization or association that represents

plumbers.

As added by P.L.20-1991, SEC.8.

IC 25-28.5-2

Chapter 2. Plumbers Recovery Fund

IC 25-28.5-2-1

Establishment of fund; investments; interest

Sec. 1. (a) The plumbers recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the plumbing commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.2 of this chapter.

As added by P.L.260-1987, SEC.1. Amended by P.L.143-1990, SEC.5.

IC 25-28.5-2-2

Surcharge; formula; assessments

Sec. 2. (a) If the total amount in the plumbers recovery fund (including principal and interest) plus estimated revenues from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year will be less than three hundred thirty thousand dollars (\$330,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the plumbing commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars (\$400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Add to the amount determined under STEP ONE the amount of revenue estimated from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year.

STEP THREE: Subtract the amount determined under STEP TWO from four hundred thousand dollars (\$400,000).

STEP FOUR: Determine the number of plumbing contractors who had licenses in effect on June 30 of the current year.

STEP FIVE: Divide the number determined under STEP THREE by the number determined under STEP FOUR.

(b) The plumbing commission shall assess the surcharge described in subsection (a) against each plumbing contractor who:

(1) receives an initial license; or

(2) receives a renewal license.

(c) The plumbing commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

As added by P.L.260-1987, SEC.1. Amended by P.L.143-1990, SEC.6.

IC 25-28.5-2-2.1

Licensing fee

Sec. 2.1. (a) At the time of initial licensure under this article, each licensee shall pay the fees established by the commission under IC 25-1-8-2 for the following:

(1) A plumbing contractor.

(2) A journeyman plumber.

(b) Fees collected under subsection (a) shall be placed in the plumbers recovery fund.

(c) The fee assessed under this section is in addition to any other fee under this article.

As added by P.L.143-1990, SEC.7. Amended by P.L.194-2005, SEC.73.

IC 25-28.5-2-2.2

Reversion of excess funds

Sec. 2.2. If the total amount in the plumbing recovery fund (including principal and interest) exceeds five hundred fifty thousand dollars (\$550,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of five hundred fifty thousand dollars (\$550,000) reverts to the state general fund.

As added by P.L.143-1990, SEC.8.

IC 25-28.5-2-3

Interest on investments; payment of expenses

Sec. 3. Any interest earned on investment of money in the plumbers recovery fund shall be credited at least annually to the fund. No money may be appropriated from the state general fund for payment of any expenses incurred under this chapter, and none of these expenses may be charged against the state.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-4

Applications for orders directing payment out of fund; amount of loss; limitation on recovery

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against any plumbing contractor to recover damages for a violation under IC 25-1-11 or the plumbing codes of the state (with or without a finding by the Indiana plumbing commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings, including appeals and

proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the plumbers recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the plumbers recovery fund may not exceed twenty thousand dollars (\$20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars (\$50,000) with respect to any one (1) licensee.

(b) This section applies only to a final judgment that awards damages for an act by the plumbing contractor described in subsection (a) that arises directly out of any transaction:

(1) that occurred when the plumbing contractor was licensed;

(2) for which a license was required under IC 25-28.5; and

(3) that occurred after December 31, 1987.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.63.

IC 25-28.5-2-5

Claims exceeding dollar limitations; joinder of claims; payment of claims; insufficient funds

Sec. 5. (a) If the payment in full of two (2) or more pending valid claims that have been filed by aggrieved persons against a single plumbing contractor would exceed the fifty thousand dollar (\$50,000) limit set forth in section 4 of this chapter, the fifty thousand dollars (\$50,000) shall be distributed among the aggrieved persons in the ratio that their respective claims bear to the aggregate of all valid claims or in any other manner that a court of record may determine equitable. This money shall be distributed among the persons entitled to share in it without regard to the order of priority in which their respective judgments have been obtained or their claims have been filed.

(b) Upon petition of the commission, the court may require all claimants and prospective claimants against a single plumbing contractor to be joined in one (1) action, to the end that the respective rights of all the claimants to the commission may be equitably adjudicated and settled.

(c) On June 30 and December 31 of each year, the plumbing commission shall identify each claim that the court orders to be paid during the six (6) month period that ended on that day. The commission shall pay the part of each claim that is so identified within fifteen (15) days after the end of the six (6) month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a six (6) month period, the commission shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating

of payments under this subsection must be paid (subject to the fifty thousand dollar (\$50,000) limit described in section 4 of this chapter) before the payment of claims ordered to be paid during the following six (6) month period.
As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-6

Agent for service of process

Sec. 6. Any plumbing contractor who is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the plumbing contractor's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the plumbers recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-7

Limitation of actions

Sec. 7. An order for payment from the plumbers recovery fund may not be issued unless the action to recover from the plumbers recovery fund was commenced within two (2) years after the termination of all proceedings against the plumbing contractor for a violation under IC 25-1-11 or the plumbing codes of the state, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the plumbing contractor against whom the action has been taken shall notify the commission in writing of the commencement of the action.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.64.

IC 25-28.5-2-8

Commission as defendant; hearings; issuance of orders

Sec. 8. When any person files an application for an order directing payment from the plumbers recovery fund, the commission shall be made a party defendant to the proceedings. The court shall conduct a hearing on the application, and it may issue an order directing payment out of the plumbers recovery fund, as provided in section 9 of this chapter, subject to the limitation of section 4 of this chapter, if the court finds:

(1) that there is no collusion between the judgment creditor and the judgment debtor;

(2) that the judgment creditor is making application not more than one (1) year after the termination of all proceedings in connection with the judgment, including appeals and proceedings supplemental to judgment for

collection purposes;

(3) that the judgment creditor has caused to be issued a writ of execution on the judgment and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the sale under the execution was insufficient to satisfy the judgment;

(4) that the judgment creditor has diligently pursued the creditor's remedies against all the judgment debtors and all other persons liable to the creditor in the transaction for which the creditor seeks recovery from the plumbers recovery fund;

(5) that a violation under IC 25-1-11 or the plumbing codes of the state arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted a violation under IC 25-1-11 or the plumbing codes of the state.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.65.

IC 25-28.5-2-9

Payment of claims from fund

Sec. 9. Upon a final order of the court directing that payment be made out of the plumbers recovery fund, the commission shall, subject to sections 4 through 5 of this chapter, make the payment out of the plumbers recovery fund as provided in section 5 of this chapter.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-10

Suspension of license; repayment of fund

Sec. 10. If the commission is required to make any payment from the plumbers recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either a plumbing contractor or journeyman plumber until the licensee has repaid in full the amount paid from the plumbers recovery fund with interest of twelve percent (12%) per annum.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-11

Subrogation

Sec. 11. When, upon order of any court, the commission has caused payment to be made from the plumbers recovery fund to a judgment creditor, the commission is subrogated to the rights of the judgment

creditor with respect to the amount paid.
As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-12

Expenditure of interest

Sec. 12. Subject to the approval of the budget agency, the commission may expend the interest earned by the plumbers recovery fund for the following:

(1) Publications that provide:

(A) information concerning the commission's activities and administrative rulings; and

(B) other educational information concerning the practice of plumbing.

(2) Educational programs concerning the practice of plumbing in Indiana.

As added by P.L.260-1987, SEC.1. Amended by P.L.20-1991, SEC.9.

IC 25-28.5-2-13

Attorney general; staff assistance; expenses

Sec. 13. (a) The office of the attorney general shall provide the staff assistance necessary to:

(1) enable the plumbing commission to perform its duties under this chapter; and

(2) enforce this chapter.

(b) Expenses incurred by the office of the attorney general under this section shall be paid from the plumbers recovery fund.

As added by P.L.260-1987, SEC.1.

IC 25-1-11

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1

"Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure certification board

(IC 25-34.1-8).

(13) Private detectives licensing board (IC 25-30-1-5.1).

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6.

IC 25-1-11-2

"Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3

"License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4

"Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5

Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the

course of professional services or activities; or

(C) advertised services or goods in a false or misleading manner;

(2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

(d) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary

action under subsection (a)(7) or subsection (c).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1.

IC 25-1-11-6

Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7

Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8

Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9

Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.
As added by P.L.214-1993, SEC.1.
Repealed
(Repealed by P.L.194-2005, SEC.87.)

IC 25-1-11-10

Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.

IC 25-1-11-11

Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12

Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and

require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12.

IC 25-1-11-13

Summary suspension of practitioners

Sec. 13. The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days. *As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2.*

IC 25-1-11-14

Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15

Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16

Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar

conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17

Surrender of practitioner license

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-18

Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8.

IC 25-1-11-19

Refusal to issue license; probationary license; requirements

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied. *As added by P.L.194-2005, SEC.9.*

IC 25-1-11-20

Appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license. *As added by P.L.194-2005, SEC.10.*

TITLE 860 INDIANA PLUMBING COMMISSION ARTICLE 1. GENERAL PROVISIONS

Rule 1. Licenses; Applications for Renewal

860 IAC 1-1-1 Officer leaving corporation; notice and new license application (Repealed)

Sec. 1. *(Repealed by Indiana Plumbing Commission; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023)*

860 IAC 1-1-2 Late license renewal; reinstatement fee (Repealed)

Sec. 2. *(Repealed by Indiana Plumbing Commission; filed Oct 31, 1983; 1:21 pm: 7 IR 70)*

860 IAC 1-1-2.1 Fee schedule

Authority: IC 25-28.5-1-8

Affected: IC 25-28.5-1-22

Sec. 2.1. The Indiana plumbing commission shall charge and collect the following fees:

(1) For an application for examination as an individual plumbing contractor, a nonrefundable fee of fifty dollars (\$50) and a fee of fifty dollars (\$50) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(2) For the issuance of the initial plumbing contractor license, the following:

(A) When the license is issued in an odd-numbered year, fifty dollars (\$50).

(B) When the license is issued in an even-numbered year, one hundred dollars (\$100).

(3) For the issuance of an initial license for a corporation, the following:

(A) When the license is issued in an odd-numbered year, fifty dollars (\$50).

(B) When the license is issued in an even-numbered year, one hundred dollars (\$100).

(4) For an application for examination as an individual journeyman plumber a nonrefundable fee of thirty dollars (\$30) and a fee of thirty dollars (\$30) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(5) For issuance of the initial license for a journeyman plumber, the following:

(A) When the license is issued in an odd-numbered year, fifteen dollars (\$15).

(B) When the license is issued in an even-numbered year, thirty dollars (\$30).

(6) For biennial renewal of a plumbing contractor's license, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.

(7) For biennial renewal of a license for a corporation, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.

(8) For biennial renewal of a journeyman plumber's license, thirty dollars (\$30) payable prior to December 1 of each odd numbered year.

(9) Application for a renewal received after the expiration date of December 31 of each odd-numbered year and prior to March 1 of the next even-numbered year shall be charged a reinstatement fee of fifteen dollars (\$15) in addition to the license renewal fee.

(10) Applications for renewal received after March 1 of the next even-numbered year following expiration and no later than December 31 of the next odd-numbered year following expiration shall be charged the following reinstatement fees in addition to the applicable license renewal fees:

(A) Journeyman plumber, one hundred dollars (\$100).

(B) Plumbing contractor, two hundred dollars (\$200).

(C) Corporate plumbing contractor, two hundred dollars (\$200).

(11) Applications for renewal received after December 31 of the next odd-numbered year following expiration shall be deemed invalid for renewal.

(Indiana Plumbing Commission; 860 IAC 1-1-2.1; filed Oct 31, 1983, 1:21 p.m.: 7 IR 69; errata, 7 IR 71; filed Oct 29, 1984, 3:07p.m.: 8 IR 214; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2038; filed Feb 19, 1987, 8:30 a.m.: 10 IR 1390; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1181; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4109, eff Jan 1, 2003; errata filed Nov 15, 2002, 3:40 p.m.: 26 IR 1109)

860 IAC 1-1-3 Filing of bonds (Repealed)

Sec. 3. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

860 IAC 1-1-4 Plumbing contractor bond forms; bond cancellation (Repealed)

Sec. 4. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

860 IAC 1-1-5 Current bonding required (Repealed)

Sec. 5. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

860 IAC 1-1-6 Corporate plumbing contractor; license conditions (Repealed)

Sec. 6. (Repealed by Indiana Plumbing Commission; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023)

860 IAC 1-1-7 Designated corporate officer or employee; responsibilities and replacement

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-13; IC 25-28.5-1-21

Sec. 7. (a) This section governs the responsibility of a corporate plumbing contractor under IC 25-28.5-1-13(c).

(b) The individual or individuals named in the corporate license pursuant to IC 25-28.5-1-13(c)(3) shall be responsible to the commission for the use of the corporate license.

(c) The responsibility of an individual described in subsection (b) shall terminate only upon the written notice to the commission under subsection (d) of such individual's removal or resignation from said status, but such removal, resignation, or the failure to notify the commission thereof shall not terminate the obligation of the corporate plumbing contractor.

(d) When an individual described in subsection (b) is removed or resigns, the corporation must notify the commission within thirty (30) days and shall identify any replacement individual or individuals. *(Indiana Plumbing Commission; 860 IAC 1-1-7; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2040; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; errata filed May 8, 1989, 2:35 p.m.: 12 IR 2063; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

860 IAC 1-1-8 Temporary plumbing contractor license

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.5

Sec. 8. (a) A temporary plumbing contractor license authorized by IC 25-28.5-1-18.5 shall be for six (6) month increments.

(b) Such temporary license shall not enable the holder thereof to perform actual plumbing services unless he is a currently licensed journeyman or a currently licensed plumbing contractor. However, the holder of a temporary

license may employ a journeyman to perform actual plumbing services pursuant to the temporary license. If the holder is a licensed journeyman, he may perform plumbing contracting under the authority of the temporary license.

(c) The temporary license will be granted upon submission of the license fee in the amount of twenty-five dollars (\$25) for each six (6) month increment, as well as a fully executed bond on a form supplied by the commission.

(d) No temporary license will be issued to any applicant who fails to first appear before the commission or the executive director of the Indiana professional licensing agency to request the same.

(e) A temporary license granted by the executive director of the Indiana professional licensing agency is subject to ratification or refusal at the next regularly scheduled meeting of the commission. (*Indiana Plumbing Commission; 860 IAC 1-1-8; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1099; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4110, eff Jan 1, 2003*)

860 IAC 1-1-9 Admission to examination

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 9. (a) This section and section 10 of this rule implement the requirements for admission to the journeyman plumber and plumbing contractor examination found in IC 25-28.5-1-12(c).

(b) "Plumbing trade" means being engaged in the work of plumbing (as that term is defined in IC 25-28.5-1-2(1)). The term includes doing plumbing work under the circumstances described in IC 25-28.5-1-32(2), IC 25-28.5-1-32(4), IC 25-28.5-1-32(6), IC 25-28.5-1-32(7), and IC 25-28.5-1-32(8) [*sic.*, IC 25-28.5-1-32(8)].

(c) "Apprenticeship program approved by the commission" means a program that meets the requirements of 860 IAC 2-1-1.

(d) "Four (4) year apprenticeship program" means satisfactory completion of a minimum of five hundred seventy-six (576) hours of classroom instruction and satisfactory completion of six thousand four hundred (6,400) hours of related on-job-training, over at least four (4) years.

(e) "Four (4) years of experience" means a minimum of six thousand four hundred (6,400) hours in the plumbing trade over at least four (4) years.

(f) No more than forty (40) hours shall be counted in any given calendar week toward meeting the requirements of either subsection (d) or (e). (*Indiana Plumbing Commission; 860 IAC 1-1-9; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-1-10 Verification of employment

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-12

Sec. 10. (a) An applicant for admission to the plumbing contractor or journeyman plumber examination must submit with the applicant's application affidavits from the applicant's employers verifying all experience in the plumbing trade, or work in a plumbing business under the direction of a licensed plumbing contractor, claimed in the applicant's application.

(b) If the applicant is unable to obtain any employer affidavit required by subsection (a), the applicant must submit an affidavit stating the inability and the reason why.

(c) Whether or not the employer affidavits provided for in subsection (a) have been submitted, the commission may seek such additional information from the applicant, any employer, or any third party as is necessary to determine whether the applicant meets the requirements for admission to the examination. (*Indiana Plumbing Commission; 860 IAC 1-1-10; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-1-11 Licensed out-of-state applicants; certification of licensure required

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-12; IC 25-28.5-1-19

Sec. 11. An individual who is licensed in another state and who applies for admission to the examination under IC 25-28.5-1-12(d)(1), or licensure by reciprocity under IC 25-28.5-1-12(e) and IC 25-28.5-1-19, shall submit certification of licensure from the licensing authority in the other state. (*Indiana Plumbing Commission; 860 IAC 1-1-11; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

Rule 2. Definitions

860 IAC 1-2-1 "Maintenance" defined

Authority: IC 25-28.5-1-38

Affected: IC 25-28.5-1-32

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Sec. 1. The work of a "maintenance man" as described in IC 25-28.5-1-32(7) shall include anyone whose full-time work shall include repair of present operational plumbing systems. However, "maintenance" shall not include the installation of any nonexistent plumbing system nor shall it include remodeling of an existing plumbing system where the number of faucets, toilets, bathtubs, fountains, or other devices affecting the flow of water are increased beyond the original system. (*Indiana Plumbing Commission; 860 IAC 1-2-1; filed Oct 29, 1984, 3:09 p.m.: 8 IR 214; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

Rule 3. Examinations; Journeyman Plumber; Plumbing Contractor

860 IAC 1-3-1 Examination; journeyman plumber

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 1. (a) The journeyman plumber examination shall consist of a practical section and of a written section.

(b) The practical section of the examination shall include two (2) parts known as the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(c) The written section of the examination shall be a multiple-choice test.

(d) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(e) An individual must obtain a score of at least seventy percent (70%) on the multiple-choice test in order to pass the written section of the examination. (*Indiana Plumbing Commission; 860 IAC 1-3-1; filed Oct 29, 1984, 3:11 p.m.: 8 IR 215; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992*

[IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 1-3-1.1 Examination; plumbing contractor

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 1.1. (a) The plumbing contractor examination shall consist of a practical section, a written section, and a drawing section.

(b) The practical section of the examination shall include two (2) parts known as the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(c) The written section of the examination shall be a multiple-choice test.

(d) The drawing section of the examination shall test the applicant's ability and knowledge concerning sanitary drainage systems and water distribution systems.

(e) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(f) An individual must obtain a score of at least seventy percent (70%) on the multiple-choice written section in order to pass the written section of the examination.

(g) An individual must obtain a score of at least seventy percent (70%) on the drawing section in order to pass the drawing section of the examination. (*Indiana Plumbing Commission; 860 IAC 1-3-1.1; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-3-2 Retaking of journeyman plumber and plumbing contractor examination upon failure

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 2. (a) References in this section to the examination apply to both the journeyman plumber examination and the contractor examination unless a particular examination is specifically specified.

(b) An individual who does not pass the entire examination in the first attempt shall be entitled to take it as many as six (6) additional times under the exemptions from portions of the examination allowed in subsection (c). However, the last examination attempt may be no later than two (2) years after the date the individual was first scheduled to take the examination.

(c) An individual who passes:

- (1) the practical section;
- (2) the written section;
- (3) one (1) part of the practical section; or
- (4) for the plumbing contractor examination, the drawing section;

in any prior taking of the examination allowed under subsection (b), shall not be required to retake that portion in the remaining examination attempts allowed by subsection (b).

(d) An individual who does not qualify for any of the exemptions provided for in subsection.

(c) must retake the entire examination.

(e) Upon the exhaustion of all of the examination attempts allowed by subsection (b), an individual must file a new application and retake the entire examination.

(f) None of the exemptions contained in this section from retaking a section or part of a section of the journeyman plumber examination or the plumbing contractor examination shall apply to an individual taking the other examination. For example, an applicant for a journeyman plumber license who passes the practical section of the journeyman plumber examination who subsequently applies for a plumbing contractor license shall be required to pass the practical section of the plumbing contractor examination.

(g) Notwithstanding subsection (b), any individual who took the examination one (1) or more times prior to October 1, 1992, and did not pass it in its entirety:

(1) shall be entitled to six (6) additional examination attempts with the last being no later than September 30, 1994;

(2) for the first examination attempt after September 30, 1992, shall be entitled to the examination exemptions the individual would have had under this section as it read on September 30, 1992; and

(3) for the second and subsequent examination attempts after September 30, 1992, shall be entitled to the examination exemptions allowed by subdivision (2) plus those obtained after September 30, 1992, under subsection (c).

(Indiana Plumbing Commission; 860 IAC 1-3-2; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 63, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 1-3-3 Examination requirements for journeyman plumber applying for a plumbing contractor license

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 3. A licensed journeyman plumber who subsequently applies for a plumbing contractor license shall be required to pass only the written and the drawing sections plumbing contractor examination. The provisions concerning examination attempts and exemptions found in section 2 of this rule shall apply to such individuals. *(Indiana Plumbing Commission; 860 IAC 1-3-3; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1183; filed Sep 8, 1992, 5:00 p.m.: 16 IR 64, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

860 IAC 1-3-4 Required study or training prior to retaking of journeyman plumber and plumbing contractor examinations (Repealed)

Sec. 4. *(Repealed by Indiana Plumbing Commission; filed Sep 8, 1992, 5:00 p.m.: 16 IR 64, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]*

Rule 4. Advertising

860 IAC 1-4-1 Advertising for plumbing services

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-35

Sec. 1. (a) As used in IC 25-28.5-1-35(b), "written or printed advertising for plumbing services" includes, but is not limited

to, the following:

(1) Directories.

(2) Periodicals.

(3) Newspaper entries.

(4) Signs.

(5) Circulars.

(Indiana Plumbing Commission; 860 IAC 1-4-1; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 1-4-2 "Recognizably displayed" defined

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-31; IC 25-28.5-1-35

Sec. 2. (a) The requirement in IC 25-28.5-1-35(b) that a plumbing contractor's license number must be "recognizably displayed" in all forms of written or printed advertising for plumbing services means that the plumbing contractor's license number must be:

(1) of adequate size; and

(2) located within reasonable proximity of the advertising;

so that the number can be readily seen by an individual with normal vision when viewing the advertisement.

(b) The requirement in IC 25-28.5-1-35(b) that a plumbing contractor's number must be "recognizably displayed" on all vehicles that are used to provide plumbing services means that the plumbing contractor's license number must be:

(1) of adequate size; and

(2) located within reasonable proximity of the plumbing contractor's name or name of the business with which the plumbing contractor is associated; so that the number can be readily seen by an individual with normal vision when viewing the name. *(Indiana Plumbing Commission; 860 IAC 1-4-2; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; errata, 13 IR 1862; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

860 IAC 1-4-3 Vehicles

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-31; IC 25-28.5-1-35

Sec. 3. The plumbing contractor's license number must appear on each side of a vehicle on which:

(1) the plumbing contractor's name; or

(2) name of the business with which the plumbing contractor is associated; appears, but shall not be required to appear elsewhere on the vehicle. *(Indiana Plumbing Commission; 860 IAC 1-4-3; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; errata, 13 IR 1862; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

13 IR 401; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

Rule 5. Competent Practice of Plumbing

860 IAC 1-5-1 Scope of rule

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 1. (a) This rule establishes standards for the competent practice of plumbing.

(b) Violation of any provision of this rule by a licensee shall be deemed a violation of IC 25-28.5-1-27.1. (*Indiana Plumbing Commission; 860 IAC 1-5-1; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-2 "Licensee" defined

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 2. As used in this rule, "licensee" has the meaning set forth in IC 25-28.5-1-27.1(a). (*Indiana Plumbing Commission; 860 IAC 1-5-2; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-3 "Political subdivision" defined

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1; IC 36-1-2-13

Sec. 3. As used in this rule, "political subdivision" has the meaning set forth in IC 36-1-2-13. (*Indiana Plumbing Commission; 860 IAC 1-5-3; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-4 Compliance with Indiana plumbing commission's statute and rules

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 4. Licensees shall comply with the provisions of the following:

(1) IC 25-28.5.

(2) This title.

(*Indiana Plumbing Commission; 860 IAC 1-5-4; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-5 Use of unlicensed personnel prohibited

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 5. (a) Plumbing contractors shall not allow any employee or subcontractor to act in the capacity of a plumbing contractor or journeyman plumber unless that employee or subcontractor has a plumbing contractor's license or a journeyman plumber's license.

(b) Subsection (a) shall not be construed to require the following individuals to be licensed:

(1) helpers;

(2) laborers;

(3) registered apprentices; and

(4) other employees of a plumbing contractor or journeyman plumber;

who do not in any manner hold themselves out to the public as being plumbers. (*Indiana Plumbing Commission; 860 IAC 1-5-5; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-6 Obtaining plumbing permits from political subdivisions

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 6. Whenever required to do so by an ordinance of a political subdivision, plumbing contractors shall obtain permits to do plumbing work. (*Indiana Plumbing Commission; 860 IAC 1-5-6; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-7 Registration with political subdivisions

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1; IC 25-28.5-1-33

Sec. 7. Whenever required to do so by an ordinance of a political subdivision, plumbing contractors shall register with the appropriate public official of the political subdivision. (*Indiana Plumbing Commission; 860 IAC 1-5-7; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-8 Completion of plumbing work

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 8. Plumbing contractors shall complete all plumbing work which they have contracted to perform unless they have legal cause to not perform the work. (*Indiana Plumbing Commission; 860 IAC 1-5-8; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237*)

860 IAC 1-5-9 Compliance with other rules and standards

Authority: IC 25-28.5-1-7

Affected: IC 25-28.5-1-27.1

Sec. 9. Licensees shall do all plumbing work in compliance with the following:

- (1) 675 IAC 16, the Indiana plumbing code, as adopted by the fire prevention and building safety commission.
- (2) To the extent that they may be capable of being violated while doing plumbing work, the rules of 675 IAC, the fire prevention and building safety commission.
- (3) 327 IAC 8-7 [327 IAC 8-7 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning school water supply and distribution systems.
- (4) 327 IAC 8-8 [327 IAC 8-8 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning mobile home park water supply and distribution systems.
- (5) 327 IAC 8-9 [327 IAC 8-9 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning agricultural camp water supply and distribution systems.
- (6) 327 IAC 8-10, rule of the water pollution control board, concerning cross connections.
- (7) 410 IAC 15-1-22(14) [410 IAC 15-1 was repealed filed Dec 21, 1994, 9:40 a.m.: 18 IR 1280; errata filed Jan 5, 1995, 4:20 p.m.: 18 IR 1290.], state board of health requirements for plumbing sewage disposal and water supply in hospitals.
(Indiana Plumbing Commission; 860 IAC 1-5-9; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

ARTICLE 2. APPRENTICE PLUMBER

Rule 1. Registration and Training

860 IAC 2-1-1 Registration in accredited apprenticeship program

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38
Affected: IC 25-28.5-1-12

Sec. 1. For an apprenticeship program to be approved under IC 25-28.5-1-12(c) and 860 IAC 1-1-9, it must be:

- (1) approved by the commission under this rule; and
- (2) a program accredited either by the Bureau of Apprenticeship and Training, a division of the United States Department of Labor, or by some other certifying organization with similar criteria for instruction in plumbing.
(Indiana Plumbing Commission; 860 IAC 2-1-1; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1351; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 2-1-2 Supervision

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38
Affected: IC 25-28.5-1-2

Sec. 2. An apprentice plumber is not under the direction and immediate supervision of a licensed plumbing

contractor or licensed journeyman plumber unless such supervisor is physically present on the project while the apprentice is performing plumbing work. (Indiana Plumbing Commission; 860 IAC 2-1-2; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 2-1-3 Valid use of registration

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38
Affected: IC 25-28.5-1-2; IC 25-28.5-1-18.1

Sec. 3. A registered apprentice plumber may not use the registration to perform as an apprentice plumber at any time while he is not learning the plumbing trade as defined by the commission and while he is not under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber. (Indiana Plumbing Commission; 860 IAC 2-1-3; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 2-1-4 Application for registration; written agreement

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38
Affected: IC 25-28.5-1-18.1

Sec. 4. (a) An applicant for registration as an apprentice plumber must supply, along with the application, a copy of a written agreement wherein the applicant is bound jointly with the accepted apprenticeship program in such a way as to obligate the apprenticeship program to timely inform the commission of the applicant's termination from learning the plumbing trade under the auspices of said apprenticeship program.

(b) As an alternative to the requirement in subsection (a), an application may be signed by a representative of an apprenticeship program that meets the requirements of section 1 of this rule, representing that the applicant is enrolled in the apprenticeship program and that the apprenticeship program will timely inform the commission of the applicant's termination from learning the plumbing trade under the auspices of said school. (Indiana Plumbing Commission; 860 IAC 2-1-4; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 2-1-5 Renewal of registration

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38
Affected: IC 25-28.5-1-18.1

Sec. 5. An apprentice plumber registration is renewable biennially on August 1. Persons who are initially registered after June 1 need not renew until August 1 of the second calendar year following registration. (Indiana Plumbing Commission; 860 IAC 2-1-5; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

9 IR 1100; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352;
readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)

860 IAC 2-1-6 Application fee

Authority: IC 25-1-8-2; IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.1

Sec. 6. An apprentice plumber registration shall be issued or renewed only upon the filing of an application accompanied by the registration fee of ten dollars (\$10), and no registration fee shall be refundable or transferable. *(Indiana Plumbing Commission; 860 IAC 2-1-6; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

860 IAC 2-1-7 Apprenticeship program; approval

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.1

Sec. 7. (a) To be approved, an apprenticeship program must do the following:

(1) Submit a written request for approval to the commission.

(2) Submit in writing the apprenticeship program's curriculum, which must include the subjects taught and the hours spent teaching each subject.

(3) Provide the address of the apprenticeship program facility, its phone number, and the name of a contact person.

(4) Submit proof of the accreditation required by section 1(2) of this rule.

(b) Approved apprenticeship programs must notify the commission of any change in the items listed in subsection (a)(2) through (a)(4) within thirty (30) days. *(Indiana Plumbing Commission; 860 IAC 2-1-7; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

860 IAC 2-1-8 Renewal of plumbing apprenticeship program approval

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.1

Sec. 8. Commission approval of a plumbing apprenticeship program expires on July 31 of each year. In order to renew commission approval, the apprenticeship program must file an application for approval of plumbing apprenticeship program annually by June 30 of each year. *(Indiana Plumbing Commission; 860 IAC 2-1-8; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)**